

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

MARK CHEATUM and
DAVID ASHLEY,

Defendants.

INDICTMENT

_____ /

The Grand Jury charges:

COUNT ONE
(Conspiracy to Distribute Methamphetamine)

Beginning on a date unknown, but from at least on or about December 4, 2019 and continuing until on or about January 8, 2020, in Muskegon County, in the Southern Division of the Western District of Michigan, the Defendants,

MARK CHEATUM and DAVID ASHLEY,

knowingly and intentionally combined, conspired, confederated, and agreed with each other to distribute and to possess with intent to distribute 50 grams or more of methamphetamine, a Schedule II controlled substance.

21 U.S.C. § 846

21 U.S.C. § 841(a)(1)

21 U.S.C. § 841(b)(1)(A)(viii)

COUNT TWO
(Distribution of Methamphetamine)

On or about December 4, 2019, in Muskegon County, in the Southern Division of the Western District of Michigan, the Defendant,

MARK CHEATUM,

knowingly and intentionally distributed a mixture or substance containing a detectable amount of methamphetamine, a Schedule II controlled substance.

21 U.S.C. § 841(a)(1)

21 U.S.C. § 841(b)(1)(C)

COUNT THREE
(Distribution of Methamphetamine)

On or about December 9, 2019, in Muskegon County, in the Southern Division of the Western District of Michigan, the Defendant,

DAVID ASHLEY,

knowingly and intentionally distributed a mixture or substance containing a detectable amount of methamphetamine, a Schedule II controlled substance.

21 U.S.C. § 841(a)(1)

21 U.S.C. § 841(b)(1)(C)

COUNT FOUR
(Distribution of Methamphetamine)

On or about December 18, 2019, in Muskegon County, in the Southern Division of the Western District of Michigan, the Defendant,

DAVID ASHLEY,

knowingly and intentionally distributed a mixture or substance containing a detectable amount of methamphetamine, a Schedule II controlled substance.

21 U.S.C. § 841(a)(1)

21 U.S.C. § 841(b)(1)(C)

COUNT FIVE

(Possession with Intent to Distribute Methamphetamine, Cocaine)

On or about December 19, 2019, in Muskegon County, in the Southern Division of the Western District of Michigan, the Defendant,

MARK CHEATUM,

knowingly and intentionally possessed with intent to distribute 50 grams or more of methamphetamine and a mixture or substance containing a detectable amount of cocaine, both Schedule II controlled substances.

21 U.S.C. § 841(a)(1)

21 U.S.C. § 841(b)(1)(A)(viii) and (C)

COUNT SIX
(Possession of a Firearm in Furtherance of Drug Trafficking)

On or about December 19, 2019, in Muskegon County, in the Southern Division of the Western District of Michigan, the Defendant,

MARK CHEATUM,

knowingly possessed a firearm in furtherance of a drug trafficking crime. Specifically, the defendant possessed a loaded, stolen Springfield Armory, Model Champion, .45 auto caliber semiautomatic pistol, bearing serial number LW154041, in furtherance of the conspiracy to distribute methamphetamine, as described in Count One of this Indictment, and in furtherance of his illegal possession with intent to distribute methamphetamine and cocaine, as described in Count Five of this Indictment, incorporated here by reference.

18 U.S.C. § 924(c)(1)(A)(i)

COUNT SEVEN
(Felon in Possession of a Firearm)

On or about December 19, 2019 in Muskegon County, in the Southern Division of the Western District of Michigan, the Defendant,

MARK CHEATUM,

knowing that he had previously been convicted of a crime punishable by imprisonment for a term exceeding one year, knowingly possessed a firearm, that is, a loaded, stolen Springfield Armory, Model Champion, .45 auto caliber semiautomatic pistol, bearing serial number LW154041, and the firearm was in and affecting commerce.

18 U.S.C. § 922(g)(1)

18 U.S.C. § 924(a)(2)

18 U.S.C. § 921(a)

COUNT EIGHT
(Distribution of Methamphetamine)

On or about January 7, 2020, in Muskegon County, in the Southern Division of the Western District of Michigan, the Defendant,

MARK CHEATUM,

knowingly and intentionally distributed a mixture or substance containing a detectable amount of methamphetamine, a Schedule II controlled substance.

21 U.S.C. § 841(a)(1)

21 U.S.C. § 841(b)(1)(C)

COUNT NINE
(Distribution of Methamphetamine)

On or about January 8, 2020, in Muskegon County, in the Southern Division of the Western District of Michigan, the Defendant,

DAVID ASHLEY,

knowingly and intentionally distributed a mixture or substance containing a detectable amount of methamphetamine, a Schedule II controlled substance.

21 U.S.C. § 841(a)(1)

21 U.S.C. § 841(b)(1)(C)

COUNT TEN
(Possession with Intent to Distribute Methamphetamine)

On or about January 8, 2020, in Muskegon County, in the Southern Division of the Western District of Michigan, the Defendants,

MARK CHEATUM and DAVID ASHLEY,

knowingly and intentionally possessed with intent to distribute 5 grams or more of methamphetamine, a Schedule II controlled substance.

21 U.S.C. § 841(a)(1)

21 U.S.C. § 841(b)(1)(B)(viii)

COUNT ELEVEN
(Felon in Possession of a Firearm)

On or about June 30, 2020, in Muskegon County, in the Southern Division of the Western District of Michigan, the Defendant,

MARK CHEATUM,

knowing that he had previously been convicted of a crime punishable by imprisonment for a term exceeding one year, knowingly possessed a firearm, that is, a loaded SCCY Industries, Model CPX-2, 9mm semiautomatic pistol, bearing serial number 806394, and the firearm was in and affecting commerce.

18 U.S.C. § 922(g)(1)

18 U.S.C. § 924(a)(2)

18 U.S.C. § 921(a)

FORFEITURE ALLEGATION
(Felon in Possession of a Firearm)

The allegations contained in Count 11 of this Indictment are hereby re-alleged and incorporated by reference for the purpose of alleging forfeitures pursuant to 18 U.S.C. § 924(d) and 28 U.S.C. § 2461(c).

Pursuant to 18 U.S.C. § 924(d)(1) and 28 U.S.C. § 2461(c), upon conviction of the offense in violation of 18 U.S.C. § 922(g) set forth in Count Eleven of this Indictment, the defendant,

MARK CHEATUM,

shall forfeit to the United States any firearms and ammunition involved in or used in the knowing commission of the offense. The property to be forfeited includes, but is not limited to, the following: one SCCY Industries, Model CPX-2, 9mm semiautomatic pistol, bearing serial number 806394, and all affiliated ammunition.

18 U.S.C. § 924(d)(1)
28 U.S.C. § 2461(c)
18 U.S.C. § 922(g)(1)

A TRUE BILL



GRAND JURY FOREPERSON

ANDREW BYERLY BIRGE
United States Attorney



STEPHANIE M. CAROWAN
Assistant United States Attorney